

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
66209-0001

First named inventor: Bryan McCarrick

Application No: 10/687,387-Conf. #9467

Art Unit: 3677

Filed: October 16, 2003

Examiner: J. M. Olszewski

Title: SCAPULAR

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus any extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee
☒ Small entity – fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity – fee \$ _____ (37 CFR 1.17(m))
2. Reply and/or feeA. The reply and/or fee to the above-noted Office action in
the form of _____ (Identify type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

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12/20/2005 MBINAS 00000045 180013 1068 387
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PTO/SB/64 (07-06)

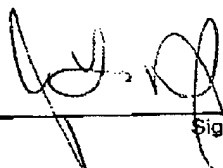
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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].



Signature

12/19/05

Date

James F. Kamp

Typed or printed name

41,882

Registration Number, if applicable

RADER, FISHMAN & GRAUER PLLC
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Address

(248) 594-0656
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Enclosures:

- ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

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Petition to Revive Application Unintentionally Abandoned

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: 12/19/05

Signature: Kathryn L. Nash

(Kathryn L. Nash)

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I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: 12/19/05 Signature: Kathryn L. Nash
(Kathryn L. Nash)

Docket No.: 66209-0001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bryan McCarrick

Application No.: 10/687,387

Confirmation No.: 9467

Filed: October 16, 2003

Art Unit: 3643

For: SCAPULAR

Examiner: J. M. Olszewski

REQUEST FOR WAIVER OF FEES FOR PETITION TO REVIVE

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In connection with the concurrently filed Petition to Revive an Unintentionally Abandoned Application, Applicant hereby requests a waiver of the associated \$750.00 filing fee. In support of this request for a waiver of fees, Applicant notes that in response to a final office action dated May 3, 2005, Applicant timely filed an after-final amendment on August 3, 2005. The amendments made to the claims in the after-final response were believed to put the claims into condition for allowance. The amendments were made as a result of a telephonic interview with the Examiner on August 3, 2005, in which Applicant believed an agreement on claim language was made. Applicant fully expected to receive a Notice of Allowance. Instead, Applicant received an Advisory Action dated November 7, 2005, four days after the application had technically gone abandoned. However, to the Examiner's credit, the after-final response that was filed by the Applicant on August 3, 2005, never reached the Examiner until October 27,

Application No. 10/687,387

Docket No.: 66209-0001

2005. Therefore, in light of the circumstances set forth above, Applicant respectfully requests a waiver of the fees associated with filing a Petition to Revive.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66209-0001 from which the undersigned is authorized to draw.

Dated: 12/19/05

Respectfully submitted,

By 

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